

**REMARKS**

The Examiner rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Nissl in view of Haber, and in further view of Stefik. Applicant respectfully disagrees.

Claim 1 recites, "receiving a time stamp receipt at an outside agency, said time stamp receipt including identifying data associated with said document and a time indication ... creating an aged time stamp receipt at said outside agency by combining said identifying data, said time indication and [a] computed age ... [and] ... binding ... said identifying data, said time indication, and a digital representation of said age using a cryptographic binding scheme to create an aged time stamp receipt." Thus, the outside agency receives a time indication from the requestor, computes and creates an aged time stamp receipt that is based on that time indication, and cryptographically binds the time indication *and* the computed difference along with the digital data in an "aged time stamp receipt." None of the references cited by the Examiner teach or suggest these limitations.

Nissl discloses a system and method for validating a proposed time for use in a time stamp receipt. More specifically, Nissl determines two time values - a "standard time" derived from the clock signal received from an external source, and a current time provided by an internal clock. Nissl compares the two times to compute a difference, and checks to ensure that the computed difference falls within a predetermined tolerance range (i.e., the two times are substantially similar to one another). If the computed difference falls within the tolerance, Nissl uses one of the times in the time stamp. *Nissl*, col. 4, ln. 57 – col. 3, ln. 6. However, Nissl *only* computes the difference between the two times in order to determine whether the time that will be used for time stamping the digital data is valid. That is, Nissl only computes a difference to validate a time that will be used as the time indication in the time stamp. Nissl never uses the computed difference to create an aged time stamp receipt, and never binds *both* the computed difference and the time indication in the time stamp receipt.

Haber also fails to disclose these elements because the outside agency of Haber *never* receives a time indication in the original request from the requestor (e.g., the document author). The Examiner asserts that the outside agency in Haber can receive a time indication, and cites column 8 of Haber, lines 17-25 for support. However, it appears as though the Examiner misconstrues this passage.

The TSA now sends, at step 37, a copy of the original request to each of these three witnesses who individually, at step 38, add a current time statement and ID, and certify the resulting receipts by signing with the RSA cryptographic signature scheme and transmitting them, at step 39, directly to the author or through the TSA who may assemble the certificates into a file to be delivered to the author.

Haber, col. 8, ll. 17-25 (emphasis added). This passage is unambiguous. Adding the time indication to the time stamp receipt occurs *after* the document has already been received by the outside agency, and is done individually by three *independent* witnesses, not the requestor. Indeed, it makes sense that Haber would not receive a time indication from the requestor, because the fundamental concept of Haber is to create the receipt *independently* of the requesting party. "In essence, *the method transfers control of the time-stamping step from the author to an independent agent and removes from the author the ability to influence the agent in the application of other than a truthful time stamp.*" Haber, col. 2, ll. 45-49 (emphasis added). Haber does not disclose adding a time indication to the time stamp until *after* the outside agency receives the request and the data from the requestor. Because Haber does not receive a time indication in the request from the requestor, Haber cannot create an aged time stamp receipt based on the time indication received from the requestor, and cannot bind cryptographically *both* the time indication and the aged time.

The Examiner further asserts that the patent to Stefik teaches creating an aged time stamp receipt, citing column 29, lines 1-21 for support. However, it appears as though this passage teaches nothing of the sort.

The current time is compared to the time received from repository-1, step 1711. The difference is then checked to see if it exceeds a predetermined tolerance (e.g. one minute), step 1712. If it does, repository-2 terminates the transaction

as this may indicate tampering with the repository, step 1713. If not repository-2 computes an adjusted time delta, step 1714. The adjusted time delta is the difference between the clock time of repository-2 and the average of the times from repository-1 and repository-2.

Stefik, col. 29, ll. 9-17 (emphasis added). This passage merely discloses that two time stamp receipts are compared to determine a difference. If the difference falls within a predetermined tolerance, the transaction is aborted. Otherwise, the adjusted difference is used for clock synchronization. Simply put, Stefik discloses nothing more than computing the difference between two times and checking to determine if the difference falls within a predetermined tolerance. The computed difference is never used in an aged time stamp receipt, and Stefik never suggests that it is. In contrast, the computed difference is simply used to decide whether to continue or abort a transaction. Moreover, the patent to Nissl already discloses computing a time difference and checking the difference against a predetermined threshold. As such, Stefik discloses nothing more than what Nissl already does.

Therefore, none of the patents to Nissl, Haber, or Stefik teach or suggest, alone or in combination, each and every element of claim 1. As such, the § 103 rejection necessarily fails as a matter of law. However, the § 103 rejection also fails because the patent to Haber *teaches away* from such a combination.

As previously stated, the fundamental goal of the patent to Haber is to create a tamper-proof method of validating the document received from the requestor. Haber explicitly teaches removing the requestor from the validation process to achieve this goal. Indeed, Haber goes to great trouble to “transfer control” from the requestor. For example, column 4, lines 3-33 detail how the method Haber fixes the document in a continuum of time – that is, Haber uses the time indications of documents received both before and after the document being validated. Another example is how Haber discloses that the outside agency employs a plurality of independent agents, each of which add a time indication on behalf of the outside agency. In all cases, Haber never discloses using a time indication received from the requestor, and in fact, gives every

indication of discouraging such a practice. Therefore, even assuming *arguendo* that one or both of the other references could be construed to send a time indication from the author; the method of Haber would never use it. To do so would violate the underlying teachings of Haber.

Accordingly, none of the references cited by the Examiner teach or suggest, alone or in combination, claim 1. As such, Applicant's respectfully request the allowance of claim 1, and its dependent claims 2-13.

The Examiner also rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Nissl in view of Haber in further view of Stefik for the same reasons as those stated above. However, claim 14, like claim 1, contains language that requires creating and binding an aged time stamp receipt at the outside agency based in part on the time indication transmitted by the requestor. For the reasons stated above with respect to claim 1, none of the references teach or suggest, alone or in combination, claim 14. In fact, Haber *teaches away* from such a combination. Accordingly, Applicants respectfully request the allowance of claim 14 as well as its dependent claims 15-26.

Finally, the Examiner rejected claims 1-8, 10, and 14-23 under the judicially created doctrine of obviousness-type double patenting over claims 1-17 of U.S. Patent No. 6,742,119, and provisionally rejected claims 1-26 under the judicially created doctrine of obviousness-type double patenting over claims 1-30 of co-pending U.S. Application Serial No. 09/458,922. The '119 patent, the '922 application, and the instant application have common inventorship. However, Applicants believe the rejection to be improper for at least two reasons. First, neither the '119 patent or the '922 application disclose the aspect of creating an aged time stamp and using it when binding an aged time stamp receipt. Second, Applicants note that the instant application, the '119 patent, and the '928 application all have the same filing date – December 10, 1999 – and thus, all would have the same expiration date upon issue. Because each would have the same term, a terminal disclaimer would have no effect. Therefore, Applicants

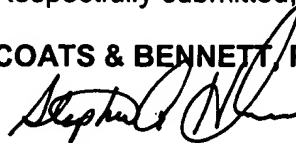
respectfully request the Examiner withdraw the rejection and allow claims 1-26.

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By:

Respectfully submitted,

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